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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BANXCORP,

Plaintiff,

vs.

BANKRATE, INC.,

Defendant.

Civil Action No. 07-3398

Hon. Susan G. Wigenton, U.S.D.J.

**NOTICE OF MOTION TO
DISMISS PURSUANT TO FED.**

R. CIV. P. 12(B)(6)

Oral Argument Requested

PLEASE TAKE NOTICE that on May 16, 2011 at 10:00 a.m., or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendant Bankrate, Inc. shall move before the Honorable Susan G. Wigenton, U.S.D.J., for an entry of an Order granting Defendant's Motion to Dismiss the Fourth Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of its Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) against Plaintiff Banxcorp and its counsel, Defendants shall rely on the enclosed Defendant's Brief in Support of its Motion to Dismiss the Fourth Amended Complaint, the Declaration of R. Scott Thompson, Esq., and any reply brief to be submitted.

PLEASE TAKE FURTHER NOTICE that Defendant requests oral argument if opposition to this motion is submitted.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

/s/ R. Scott Thompson
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Dated: April 11, 2011